

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

EDWARD BRAGGS, et al.,	)	
	)	
Plaintiffs,	)	
	)	CIVIL ACTION NO.
v.	)	2:14cv601-MHT
	)	(WO)
JEFFERSON S. DUNN, in his	)	
official capacity as	)	
Commissioner of	)	
the Alabama Department of	)	
Corrections, et al.,	)	
	)	
Defendants.	)	

ORDER FOR REPLACEMENT ARBITRATOR

This court recently terminated Magistrate Judge John Ott as a judge in this case upon his retirement. See Order (doc. no. 2837). Judge Ott had previously served in multiple roles, including as arbitrator of disputes arising out of consent decrees resolving claims brought under the Americans with Disabilities Act, 42 U.S.C. § 12131, et seq. and § 504 the Rehabilitation Act of 1973, 29 U.S.C. § 794, et seq. The parties specifically named Judge Ott as the arbitrator in the Phase 1 consent decree (doc. no. 728)

and agreed to use the same dispute resolution process in the Phase 2A consent decree (doc. no. 1291). Further, the court understands that there is one such arbitration currently pending. See Order (doc. no. 6), *In re: Patrick Joseph Charest Request for Arbitration in the Braggs Litigation*, No. 19-misc-3852.

The consent decrees contemplate that "[i]f ... Judge Ott ... becomes unavailable to arbitrate disputes, the Parties will agree upon a replacement arbitrator." Phase 1 Consent Decree (doc. no. 728) at 71 n.15. Further, "[i]f the Parties are unable to agree upon a replacement arbitrator, they will petition the Court to appoint a replacement arbitrator who will be a current or former U.S. Magistrate Judge from one of the U.S. District Courts sitting in Northern, Middle or Southern Districts of Alabama." *Id.*

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Accordingly, it is ORDERED as follows:

- (1) The parties are to meet and confer on whether they can agree upon a replacement arbitrator.

(2) The parties are to file, by noon on July 6, 2020, a joint statement updating the court as to whether there is an agreement for a replacement arbitrator and, if so, who that person is.

(3) If there is no agreement, the parties are allowed until noon on July 6, 2020, to petition the court to choose and appoint a replacement arbitrator in accordance with the process set forth in the Phase 1 Consent Decree (doc. no. 728).

The clerk of the court is to furnish a copy of this order to Magistrate Judge John Ott.

DONE, this the 26th day of June, 2020.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE